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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,845	08/22/2003	Yoon-young Kim	1572.1156	8146

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EXAMINER

ALI, MOHAMMAD M

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,845	Applicant(s) KIM ET AL.	
	Examiner Mohammad Ali	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 and 46-48 is/are pending in the application.
- 4a) Of the above claim(s) 13, 39-41, 44 and 46-48 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31, 33 and 34 is/are allowed.
- 6) ☐ Claim(s) 1-6, 9-12, 14-30, 32, 35-38, 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6, 9-12, 20-30, 32, 35, 37, 38, and 42 are rejected under 35 U.S.C. 103(a) being unpatentable over Osborne (5,797,279) in view of Buston et al., (5,458,407). Osborne discloses a refrigeration system comprising a cool air generating part including cool air supply aerating plate 74 (cool air generating part for a refrigerator is inherent because it must have refrigeration system for generating cool air and its proper supply and circulation system), upper and lower cabinets having the first and second storage compartments, and a shaft 30 rotatably supporting the upper and lower cabinets. See Fig 4, 6 and the abstract. The examiner considers the upper surface of drum as a table member because it can be used a table. Osborn discloses the invention substantially as claimed as stated above. However, Osborne does not disclose the location of the cool air generating part and the air passage though the shaft. Buston et al., teach the use of a cool

air generating part 50/52 in a display type refrigerator at the bottom of the refrigerator for the purpose of supplying cool air through a central hole 28 and the apertures 38, 39, 40 and top opening of a V-shaped partition 35 to the product display compartment 24 and exhausting the air to the cool air generating part 50/52 at the base through slots 27 See Fig.2-4. The Examiner considers the V-shaped partition having the similar air passage of the claimed shaft. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigeration system of Osborne in view of Buston et al., such that a cool air generating part could be provided in a location at a base of the refrigerator in order to supply cool air to the product display compartment from the base of the refrigerator and recirculated it accordingly to the cool air generating part at the base and air supply channel could be provided in order to supply the air from the base of the refrigerator to the compartments. Regarding to have a disk like table larger than top surface of the top cabinet for claim 23, a stationery table for claim 28 is an obvious choice of the individual skilled in the art since there is no criticality or unexpected result from it.

Claims 14-19, 36 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne in view of Bustons et al., as applied to claims 1 and 20 above and further in view of Buston (5,549,373). Osborne in view of Buston et al., discloses the invention substantially as claimed as stated above. However, Osborne in view of Buston et al., does wheel and polygonal shape. Buston teaches the use of wheels 58 and polygonal shaped display cabinet 10 in a display type refrigerator for the purpose of transporting the display cabinet and to have a desired cabinet shape. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigeration system of Osborne in view of Buston et al.,

and further in view of Buston such that wheels and polygonal shaped cabinet could be provided in order to transport the display cabinet and to have desired shaped cabinet.

Allowable Subject Matter

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 31, 33 and 34 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-30, 32, 35-38, 42-44 have been considered but are moot in view of the new ground(s) of rejection as stated above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is 703-308-5032. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Esquivel Denise can be reached on 703-308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mohammad M. Ali
January 28, 2005


WILLIAM TAPOLCAI
PRIMARY EXAMINER